

### **REMARKS/ARGUMENTS**

Claims 9-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ning.

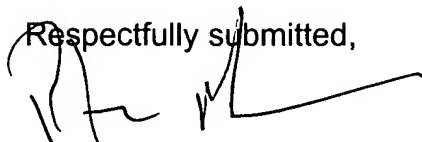
Claim 9 has been amended to include the limitation of forming an etch/stop barrier layer over said copper layer. As described in the instant disclosure (page 11) an etch-stop/barrier has a specific use in a dual damascene manufacturing process. The use of the etch-stop/barrier layer is an important step in integrating the capacitor of the instant invention into an integrated circuit manufacturing process. This limitation of the claim is not described in the Ning et al. patent and amended claim 9 is allowable over the cited art. Claims 10-13 and 15 depend on claim 9 and therefore contain all the limitations of claim 9. Dependent claims 10-13 and 15 are therefore also allowable over the cited art.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicant petitions for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including

extension of time fees, to the deposit account of Texas Instruments Incorporated,  
Account No. 20-0668.

Respectfully submitted,  


Peter K. McLarty  
Attorney for Applicant  
Reg. No. 44,923

Texas Instruments Incorporated  
P.O. Box 655474, MS 3999  
Dallas, TX 75265  
(972) 917-4258